FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.63 OF 2006
IN
CRIMINAL APPEAL NO.628 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Smt.Sudha A.Dwivedi for the applicants.

Smt.Suneeta Singh for Respondent.

Mr.Hingorani APP for the State.

Coram : R.S.Mohite,J

Date : 26.4.2006.

PC

1. Heard both sides. This is an application moved by the original appellant in Criminal Appeal No.628/2005 for compounding the appeal. On the last occasion, accused and the Complainant were present in the Court and the Advocate for the appellant had indicated that he is ready and willing to pay amount of Rs.50,000/- to the Complainant who is the sister-in-law, by a bank draft. A bank draft for Rs.50,000/- is

handed over to the sister-in-law today. The application also mentions that with the intervention of the elders, all the disputes have been settled and the appellant and the complainant are now residing together in the joint family. In the circumstances, offence under Section 325 of IPC which is compoundable is allowed to be compounded and the accused is acquitted of the charge under Section 325 read with 34 of IPC. As far as the offence under Arms Act is concerned, a separate order is passed in the appeal. Application stands disposed of.

(R.S.Mohite,J)

CRIMINAL APPEAL NO.628 OF 2005

1. This is an appeal filed by the appellant against his conviction under Section 325 read with 34 and 4 read with 25 (1-B) (b) of the Arms Act. The offence under Section 325 r/w 34

of the IPC has been allowed to be compounded by a separate order passed in Criminal Application No.63/2006. As far as the present appeal is concerned, the Advocate for the appellant states that she does not press the appeal on merits but prays that the appellant who has already undergone about 5 months may be sentenced to the period undergone particularly when he has paid Rs.50,000/- by a bank draft to his sister-in-law for compounding the offence. In view of the order of compounding passed on the separate application preferred in this appeal and taking into account the fact that the accused has already undergone substantial period of imprisonment as stated aforesaid, the conviction is confirmed and the sentence is reduced to the period already undergone with a fine of Rs.500/- in default RI for two months. Appeal stands disposed

of.

(R.S.Mohite,J)

(R.S.Mohite,J)